

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMIL ABDUL MUHAMMAD,

Plaintiff,

-v-

3:24-CV-37

MICHAEL BREEN *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMIL ABDUL MUHAMMAD

Plaintiff, Pro Se

119 Clinton Street, Apt. 5

Binghamton, NY 13905

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On January 9, 2024, *pro se* plaintiff Jamil Abdul Muhammad (“plaintiff”) filed this action alleging that the named defendants violated his civil rights in connection with a traffic stop that led to a trial.¹ Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP

¹ Shortly after filing this action, plaintiff filed thirteen additional actions asserting different claims against different defendants. Those actions will be addressed separately.

Application”), Dkt. Nos. 2, 7. Plaintiff also filed several “supplements” to his pleading. Dkt. Nos. 4, 5, 8.

On June 11, 2024, U.S. Magistrate Judge Miroslav Lovric granted the IFP Application and advised by Report & Recommendation (“R&R”) that the complaint be dismissed with partial leave to amend. Dkt. No. 9. As Judge Lovric explained, plaintiff might be able to plead sufficient factual matter to state an: (1) ADA claim against defendants New York State Police and/or the Schoharie Town Court; and/or (2) one or more claims under 42 U.S.C. § 1983 against defendant Gilman in his individual capacity. *Id.* However, Judge Lovric determined that any of plaintiff’s other claims were legally deficient and must be dismissed without leave to try to replead them. *Id.*

Plaintiff sought an extension of time to lodge objections to Judge Lovric’s R&R. Dkt. No. 10. That request was granted. Dkt. No. 11. Thereafter, in lieu of filing any objections, plaintiff submitted two amended pleadings using this District’s form complaint for a civil case. Dkt. Nos. 12, 13.

Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 9) is ACCEPTED;

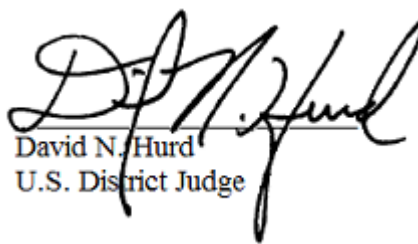
2. Plaintiff's complaint is DISMISSED without leave to amend because it seeks relief from immune defendants and is otherwise frivolous to the extent it asserts the following: (1) claims pursuant to N.Y. Penal Law § 195.00 and 18 U.S.C. § 241; (2) an ADA claim against defendants Breen, Gilman, and/or Kennedy; (3) claims pursuant to 42 U.S.C. § 1983 against defendants Breen, Schoharie Town Court, Gilman in his official capacity, the New York State Police, and Kennedy;

3. Plaintiff's complaint is dismissed with leave to amend to the extent it asserts the following: (1) an ADA claim against defendants New York State Police and Schoharie Town Court; and (2) a claim pursuant to 42 U.S.C. § 1983 against defendant Gilman in his individual capacity; and

4. Plaintiff's amended complaints (Dkt. No. 12, 13) are REFERRED to Judge Lovric for further review and appropriate action.

IT IS SO ORDERED.

Dated: August 22, 2024
Utica, New York.



David N. Hurd
U.S. District Judge